

PATENT COOPERATION TREATY

Schwegman Lundberg
& Woessner P.A.

AUG 22 2011

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

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To:

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Minneapolis, MN 55402-0938
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMISSION OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)		16 August 2011 (16-08-2011)
Applicant's or agent's file reference 3063025WO1		FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US2010/045375		International filing date (day/month/year) 12 August 2010 (12-08-2010)
Applicant BIOVAIL LABORATORIES INTERNATIONAL (BARBADOS...		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90**bis**.1 and 90**bis**.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
 European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	WACH, Patrick Tel: +31 (0)70 340-3325

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 3063025W01	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/US2010/045375	International filing date (day/month/year) 12/08/2010	(Earliest) Priority Date (day/month/year) 12/08/2009
Applicant BIOVAIL LABORATORIES INTERNATIONAL (BARBADOS...)		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☐ the text is approved as submitted by the applicant
☒ the text has been established by this Authority to read as follows:

PHARMACEUTICAL COMPOSITIONS WITH TETRABENAZINE

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 7
☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
- b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2010/045375

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61K9/16 A61K9/20 A61K9/28 A61K9/50 A61K31/4375
A61P25/14

ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, WPI Data, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2007/007105 A1 (CAMBRIDGE LAB IRELAND LTD [IE]; TRIDGETT ROBERT [GB]; FILLOUX THIERRY) 18 January 2007 (2007-01-18) the whole document -----	1-67
A	WO 2006/069030 A1 (COLLEGIUM PHARMACEUTICAL INC [US]; RARIY ROMAN V [US]; HEFFERNAN MICHA) 29 June 2006 (2006-06-29) the whole document -----	1-67
A	WO 2008/079404 A2 (SPHERICS INC [US]; NANGIA AVINASH [US]; JACOB JULES [US]; YEH JAMES [U]) 3 July 2008 (2008-07-03) the whole document ----- -/--	1-67

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

5 August 2011

Date of mailing of the international search report

16/08/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Glikman, J

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2010/045375

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,P	<p>WO 2010/018408 A2 (BIOVAIL LAB INTERNAT BARBADOS [BB]; DUFFIELD ANDREW JOHN [GB]; JACKSON) 18 February 2010 (2010-02-18) the whole document</p> <p>-----</p>	1-67

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/045375

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2007007105	A1	18-01-2007	AT 409481 T 15-10-2008
		AU 2006268098 A1 18-01-2007	
		CA 2615077 A1 18-01-2007	
		CN 101282726 A 08-10-2008	
		DK 1885363 T3 08-12-2008	
		EP 1885363 A1 13-02-2008	
		EP 2027861 A1 25-02-2009	
		ES 2314931 T3 16-03-2009	
		HK 1111085 A1 05-06-2009	
		HR 20080677 T3 28-02-2009	
		JP 2009501202 A 15-01-2009	
		KR 20080030666 A 04-04-2008	
		NZ 565522 A 30-04-2010	
		PT 1885363 E 08-01-2009	
		SI 1885363 T1 28-02-2009	
		US 2008319000 A1 25-12-2008	
		ZA 200800905 A 28-04-2010	
WO 2006069030	A1	29-06-2006	AU 2005319367 A1 29-06-2006
		CA 2590802 A1 29-06-2006	
		CN 101132777 A 27-02-2008	
		EP 1833467 A1 19-09-2007	
		JP 2008524332 A 10-07-2008	
		KR 20070087678 A 28-08-2007	
		US 2008200508 A1 21-08-2008	
WO 2008079404	A2	03-07-2008	AU 2007338631 A1 03-07-2008
		CA 2673511 A1 03-07-2008	
		EP 2063867 A2 03-06-2009	
		US 2010316712 A1 16-12-2010	
WO 2010018408	A2	18-02-2010	GB 2462611 A 17-02-2010
		US 2010055133 A1 04-03-2010	